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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 Ryan Investment Corp., NO. C 06-03219 JW

11 v. Plaintiff,

12 Pedregal De Cabo San Lucas, et al.,

13 Defendants.

14 /
15 **ORDER GRANTING APPLICATION TO
16 SHORTEN TIME ON PLAINTIFF RYAN
17 INVESTMENT CORPORATION'S
18 MOTION TO IMPOSE UNDERTAKING**

19 Presently before the Court is Plaintiff's Application for an Order Shortening Time On Ryan
20 Investment Corporation's Motion to Impose Undertaking. (hereafter, "Application," Docket Item
21 No. 103.) Plaintiff seeks to shorten the time for hearing Plaintiff's pending Motion to Impose an
undertaking. Defendants filed a timely opposition.¹

22 Ordinarily, a motion may not be heard "less than 35 days after service of the motion." Civ.
L.R. 7-2(a). However, a court may modify its schedule "for good cause." Fed. R. Civ. P. 16(b)(4).

23 Plaintiff contends that good cause exists for shortening time on the ground that a bond is
24 necessary to protect its favorable judgment since Mexican law prohibits enforcement of a foreign
judgment while an appeal is pending. (Application at 1.) Further, Plaintiff contends that, due to the
deteriorating economic situation in Mexico, its ability to secure its judgment through a bond will be
prejudiced. (Id. at 1-2.)

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28 ¹ (Defendants' Opposition to Plaintiff's Application for Order Shortening Time and, in the Alternative, Opposition to Motion to Impose Undertaking, Docket Item No. 105.)

Without addressing the merits of Plaintiff's Motion, the Court recognizes the time-sensitive nature of the request. Thus, Court finds good cause to shorten time for hearing Plaintiff's Motion to Impose Undertaking. Accordingly, the Court ORDERS as follows:

4 (1) The parties shall appear for a hearing on Plaintiff's Motion to Impose Undertaking on
5 **June 29, 2009 at 9 a.m.**

6 (2) Defendants shall file and serve their Opposition on or before **June 19, 2009**.²

7 (3) Any Reply shall be filed and served on or before **June 24, 2009**.

9 || Dated: June 16, 2009

JAMES WARE
United States District Judge

United States District Court

For the Northern District of California

26 ² Although Defendants addressed the merits of Plaintiff's Motion to Impose Undertaking in
27 their opposition, the Court will allow Defendants an additional opportunity to oppose the underlying
motion, should they wish to do so.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 George J. Berger gberger@allenmatkins.com
3 Mark Aloysius O'Connor oconnor@horanlegal.com

4 **Dated: June 16, 2009**

5 **Richard W. Wieking, Clerk**

6 By: /s/ JW Chambers
7 Elizabeth Garcia
Courtroom Deputy